



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

June 16, 2006

Reply to the attention of Roger Cheetham

Arline Davis
PO Box 148
Christina Lake, BC V0H 1E0

Dear Madam:

RE: Application #Q-36614

PID: 003-145-727

Lot 3, District Lot 313, Similkameen Division of Yale District, Plan 31017

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide your property into two. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

In the light of its site inspection of the property the Commission writes to advise that it has approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Kootenay Boundary Regional District at your earliest convenience.

The decision noted above is recorded as Resolution # **264/2006**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

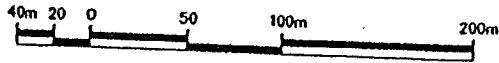
Erik Karlsen, Chair

pc: Regional District of Kootenay Boundary (#C-313-02632-300)

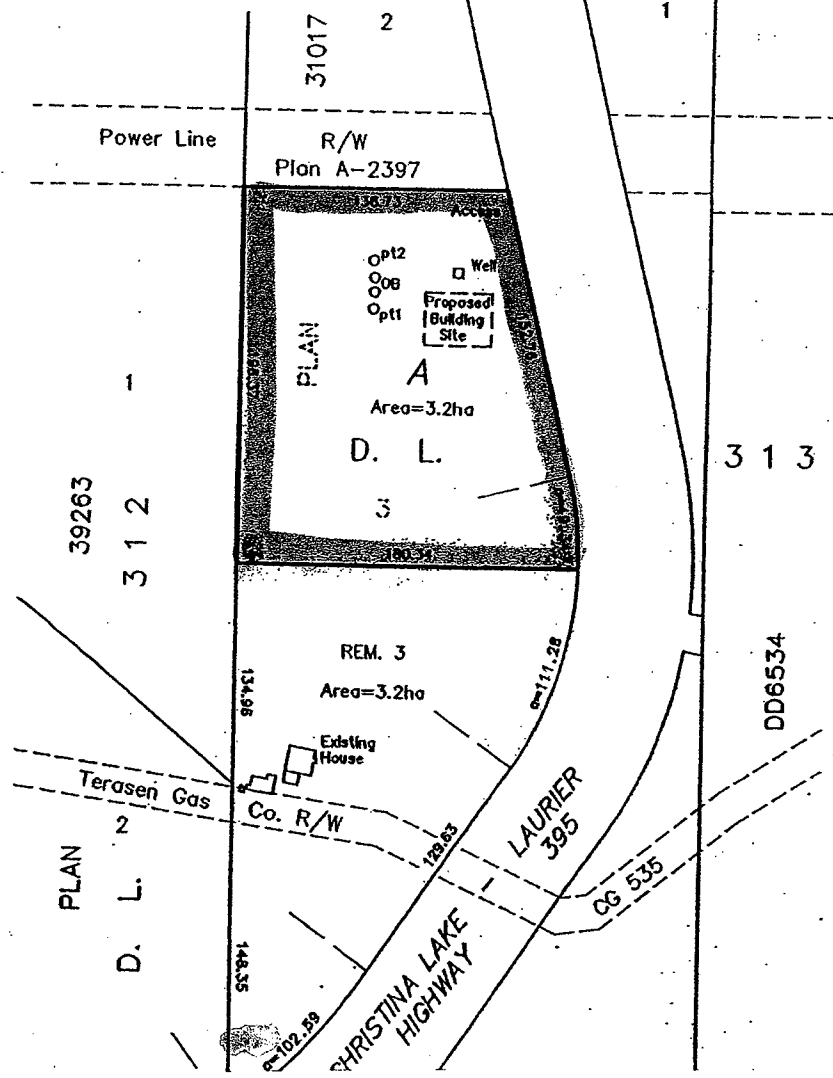
RC/lv/Encl./36614d1.

PLAN OF SUBDIVISION OF PART OF
LOT 3, DL. 313, SIMILKAMEEN
DIVISION YALE DISTRICT,
PLAN 31017.

SCALE = 1:2500



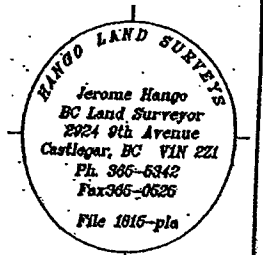
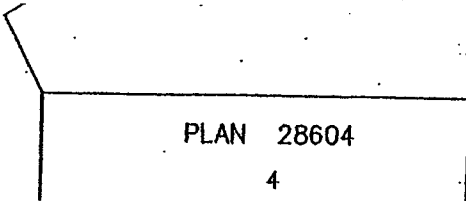
pt2 Denotes perc test hole
OB Denotes observation hole



RECEIVED
APR 12 2006

PROV. AGRICULTURAL
LAND COMMISSION

Application Number Q - 36614
Subdivision approved by Agricultural Land Commission
in terms of Resolution Number 264/2006



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 30th May 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Roger Cheetham, Planning Officer

For Consideration

Roger Cheetham presented the staff report of Ron Wallace dated 17th May 2006 regarding application #Q- 36614.

Site Inspection

A site inspection was conducted on 29th May 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Roger Cheetham, Planning Officer

The Commission noted that the proposed subdivision reflected the physical situation with the more northerly subdivision comprising an area of steep ground.

The site inspection lasted from 4:30 p.m. to 4:50 p.m.

Commission Discussion The Commission noted that in the light of the site inspection the proposed subdivision would not have any detrimental impact on agricultural potential.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner M. Marshall

THAT the staff report be received and the application be approved.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # Q – 36614
Applicant: Arline Davis

DATE PREPARED: May 17, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the property into two equal parcels of 3.2 ha each. The owners wish to sell the existing house and the industrially zoned land on the south portion and construct a new house on the northern portion of the property. It is stated that the proposed lot line follows a natural topographic feature (mountain) that separates the rural land on the north portion of the property from the adjacent industrial use on the south portion. It is generally stated that the land is not suitable for farm use.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There have been two previous applications on this property as shown below.

Local Government:

Regional District of Kootenay-Boundary

Legal Description of Property:

1. PID: 003-145-727
Lot 3, District Lot 313, Similkameen Division of Yale District, Plan 31017

Purchase Date (m/d/y):

1991-11-04

Location of Property:

Highway 395, south of Christina Lake

Size of Property:

6.4 ha

ALR Area:

±5.0 ha

Present use of the Property:

There is a house on the property, no agricultural use.

Surrounding Land Uses:

WEST: industrial use
SOUTH: forested land
EAST: landfill site
NORTH: forested land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/1
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

The property is split designated as Rural and Industrial

Zoning Bylaw and Designation:

The property is split zoned as Rural 1 and Industrial 1
The minimum parcel size in the Industrial 1 is one hectare and the minimum parcel size in the Rural zone is 10 hectares. When the property is split zoned the most restrictive zoning regulations are

PREVIOUS APPLICATIONS:

Application #14497-0
Applicant: Leippi, H
Decision Date:
Proposal:
Decision:

Application #12033-0
Applicant: Lum/Murphy,
Decision Date:
Proposal:
Decision:

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board recommends support for the application.

Advisory Planning Commission

The APC notes that based on ground observations they feel that the subject property is not viable agricultural land, and thus they support the application.

Local Government Staff

STAFF COMMENTS:

Staff has the following comments:

- The property is naturally divided by a wedge of non-ALR land through its centre. The proposed subdivision on the north side of the property contains a portion of land outside of the ALR.
- Any approval for subdivision should consider containing all the ALR land north of the wedge of non-ALR land.

END OF REPORT

Signature

Date